



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairman

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LTBB NATURAL RESOURCES ACCESS SITES REGULATIONS REG-WOS 2008-012 021513-001

I. Purpose. These regulations are intended to protect the Tribe's natural resources and property by prescribing reasonable restrictions while affording commercial and subsistence fishermen the opportunity to access Great Lake Waters. These access sites shall be open to Little Traverse Bay Bands of Odawa Indians (LTBB) citizens subject to the following regulations.

II. Definitions:

- A. **1836 Treaty of Washington Signatory Tribes:** means Bay Mills Indian Community, the Grand Traverse Band of Chippewa/Ottawa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians.
- B. **Conservation Enforcement Officer:** means any sworn LTBB Tribal Conservation Officer or Law Enforcement Officer authorized by tribal regulation or statute to enforce tribal conservation related regulations, including camping.
- C. **Fishermen/Operations:** means the owner and operator of the fishing vessel and associated gear.
- D. **LTBB:** means the Little Traverse Bay Bands of Odawa Indians or the Tribe.
- E. **Natural Resource Department (NRD):** means the Natural Resources Department of the Little Traverse Bay Bands of Odawa Indians.
- F. **Permit or Proper Written Permission:** means a written permit issued by the LTBB Natural Resources Department.

III. Access Areas.

- A. Odawa Fishery Dock - Located in the Village of Mackinaw City adjacent to Odawa Fishery, Inc., owned by LTBB.
- B. Beaver Island Dock - Located on Beaver Island, MI.
- C. LTBB Bay de Noc slip - Located in Fairport, MI.

- D. Nine-Mile Point Boat Launch- Located Nine-Mile Point area between Bay Shore and Charlevoix, MI.
- E. Any other sites which become under LTBB ownership after enactment of these regulations.

IV. Permit System.

A. Boat Launches.

- 1. LTBB Tribal Citizens:
 - a. Little Traverse Bay Bands of Odawa Indians (LTBB) citizens may use LTBB owned boat launches/ramps subject to applicable site restrictions and these rules and regulations.
 - b. There shall be no permit or fee required for LTBB Tribal citizen use.
 - c. The LTBB commercial fishermen vessels registered with the LTBB Natural Resources Department (NRD) shall have priority at all times.
- 2. Other 1836 Treaty of Washington signatory tribal commercial fishermen/operations:
 - a. Other 1836 Treaty of Washington signatory tribal commercial fishermen/operations interested in launching or using LTBB Boat Launches need to contact LTBB Natural Resource Department to obtain a Boat Launch Usage Application and be issued a valid Boat Launch Usage Permit prior to using the facility.
 - b. Boat Launch Usage Applications will be evaluated based upon use, availability and whether the individual is in good standing.
 - c. Non-LTBB 1836 Treaty of Washington signatory tribal commercial fishermen/operations shall be required to pay a \$75 Seasonal Use permit fee. Permits will be valid from April 1- Nov 6 and will be specific to site.
 - d. Fees are non-refundable and will not be prorated.
 - e. All fees must be received and the use permit issued before using the launch.

B. Docks.

- 1. LTBB Tribal Citizens:
 - a. LTBB Tribal Citizens interested in docking at NRD owned docks must have a valid LTBB Commercial, Subsistence or Inland Hunting/Fishing License.

- b. LTBB Tribal Citizens interested in docking for more than 24 hours must contact the NRD and fill out a Dock Usage Application.
 - c. There shall be no Dock Usage fee for LTBB citizens.
 - d. The LTBB commercial fishermen vessels registered with the LTBB Natural Resources Department (NRD) and NRD Conservation Enforcement and Biological vessels shall have priority docking privileges at all times.
2. Other 1836 Treaty of Washington signatory tribal commercial fishermen/operations:
- a. Other 1836 Treaty of Washington signatory tribal commercial fishermen/operations interested in docking need to contact LTBB Natural Resource Department to obtain a Dock Usage Application and be issued a valid Dock Usage Permit prior to docking.
 - b. Dock Usage Applications will be evaluated based upon availability and whether the individual is in good standing.
 - c. Non-LTBB 1836 Treaty of Washington signatory tribal commercial fishermen/operations shall be required to pay \$300 for any part of a month or \$1,800/season (April 1-Nov. 15) fee in advance to the LTBB Natural Resources Department prior to dockage per vessel.
 - d. Fees are non-refundable and will not be prorated.
 - e. All fees must be received and the Use Permit issued before docking.
3. One area of each dock shall be designated as priority parking for authorized Conservation Enforcement or Biological watercraft. Watercraft parked within this area shall move to areas designated as parking for commercial fishing watercraft.
4. The Natural Resources Department Staff shall maintain a record of all Dock Usage Permits issued.

C. Parking.

Due to limited parking at access sites, in any parking areas on land owned or held in trust for LTBB, the Natural Resources Commission is authorized to restrict or limit parking. LTBB citizens are hereby authorized to use access sites and parking subject to srestrictions. Licensed commercial fishers from other 1836 Treaty tribes may be issued a parking/use permit based on space availability. LTBB Commercial and subsistence fishermen shall receive priority. No other persons are authorized to park without permit. Permit-only parking at a particular access site may be seasonal or year-round as the Commission determines necessary. The Natural Resources Department shall post the following notice in a conspicuous place at restricted access parking areas:

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**PARKING AT THIS SITE IS LIMITED TO LITTLE TRAVERSE
BAY BANDS OF ODAWA INDIANS CITIZENS OR VEHICLES
DISPLAYING A VALID PERMIT ISSUED BY THE TRIBE. ALL
OTHER VEHICLES MAY BE TICKETED AND TOWED AT
OWNER'S EXPENSE.**

C.D. Special Use Permits. Non-Tribal individuals may petition the LTBB NRC in writing to use access areas listed in Section III and LTBB Tribal citizens may petition the LTBB NRC in writing to use access areas listed in Section III in manner which is inconsistent with these rules and regulations. All requests will be evaluated on a case by case basis. Special Use Permits may be issued at the discretion of the NRC and shall be subject to conditions and restrictions as may be deemed sufficient by the NRC including but not limited to length of stay and use fees.

V. Access Site Rules.

- A. Use shall be subject to applicable permits and the restrictions thereof.
- B. Commercial fishing gear shall not be stored on site.
- C. LTBB Fishers or any other authorized users shall not live on or stay more than one night on boats docked at any LTBB dock.
- D. Boats which are abandoned or not actively fished shall be removed at the owner's expense in addition to any other penalty or fines that may be levied.
- E. Failure to comply with these rules and regulations contained is grounds for the LTBB Natural Resources Department to revoke Dock Usage Permit(s) and/or to cause the removal of moored vessels in addition to any other penalty or fines that may be levied.
- F. Failure to pay Dock Usage/Launch Use fee is grounds for the LTBB Natural Resources Department to revoke Dock Usage Permit(s) and/or to cause the removal of moored vessels in addition to any other penalty or fines that may be levied.
- G. Equipment shall not be left on site overnight except that vehicles and boat trailers may be if requested on the Use Application and approved in advance.
- H. All vehicles and trailers must be parked in designated parking areas only.
- I. It shall be unlawful to do any of the following:
 - a. To construct makeshift camp structures, shelters, or furniture.

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- b. To dump or drain refuse from a vessel, vehicle, recreational vehicle (RV) or pop-up campers.
- c. To leave trash, either little or general refuse, on any access site, dock or adjacent waters.
- d. To burn or incinerate any trash, garbage or general refuse.
- e. To use a loud speaker, public address system or sound amplifying equipment of any kind, except for lawfully used electronic game calling device.
- f. To operate a motor, motor boat, motor vehicle, radio, television, generator or any other device in a manner that produces excessive noise.
- g. To engage in any violent, abusive, loud, boisterous, vulgar, lewd or other disorderly conduct.
- h. To move, remove, destroy, mutilate, or deface posters, signs, notice or markers of the Natural Resources Department or LTBB in general.
- ~~i.~~ i. To use the access site without obtaining an applicable Usage Permit from the Natural Resources Department.
- ~~i-j.~~ i-j. To park in unauthorized areas.
- ~~j-k.~~ j-k. To park without a applicable permit.
- ~~k-l.~~ k-l. To violate any provisions or conditions of usage permits issued including but not limited to length of stay.
- ~~l-m.~~ l-m. To operate any self-propelled motor or mechanically driven vehicle, including snowmobiles and bicycles, on other than designated established road open to the public, a trail or area properly signed by the LTBB Natural Resources Department or LTBB in general as being open to such use, or a parking lot.
- ~~m-n.~~ m-n. To enter, use, or occupy lands under the management of the Natural Resources Department for any purpose when they are posted against entry, use, or occupancy, as ordered by the Department.
- ~~n-o.~~ n-o. To park vehicles in a manner blocking the road, boat launch or access site.
- ~~o-p.~~ o-p. To park a vehicle in the water.
- ~~p-q.~~ p-q. To clean fish or dispose of fish offal on site or adjacent property or waters.
- ~~q-r.~~ q-r. To perform maintenance of equipment on site.
- ~~r-s.~~ r-s. To cause damage to trees, signs or site improvements/amenities.
- ~~s-t.~~ s-t. To discharge oil, gas, diesel or other hydrocarbons to the water, dock or ground of an access site or adjacent property or waters.
- ~~t-u.~~ t-u. To erect or place a stand, booth, table or vendor space at an access site to sell fish or any other items.
- ~~u-v.~~ u-v. To violate any regulations herein contained.

VI. Harbor of Safe Refuge.

Non-tribal users may use the LTBB docks or boat launch(s) as a harbor of safe refuge in case of a weather emergency.

VII. Enforcement.

Natural Resources Department Conservation Officers are authorized to enforce the provisions of these rules and regulations for any and all violators. All violations will be processed through LTBB Tribal Court.

VIII. Penalties and Fines.

- A. Any person who fails to obtain a Use Permit required by these regulations, or who violates any provision of these rules or regulations, may be subject to a civil fine not less than \$50.00 or no more than \$1,000.00, assessment of community service, forfeitures and restitution as set forth in the Natural Resources Protection Statute, WOS 2008-012, Section X., any combination thereof and any other applicable penalty provided for by the laws of the Tribe. The Natural Resource Commission may adopt a schedule of fines and/or forfeitures that may be imposed by the Court upon the receipt of an admission of guilt or plea of no contest for violations committed. This schedule shall not apply as to penalties assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty.
- B. Any person who docks a vessel or places a vehicle or trailer in violation of these rules and regulations may be subject to a daily fine of up to \$500 per day.
- C. Applicability to Non-LTBB Citizens. The provisions of these regulations shall apply to all non-LTBB citizens who violate these rules and regulations.

CERTIFICATION

As Chairperson, I approve this amendment to the ~~ese~~ LTBB Natural Resources Access Site Regulations.

Date: _____

Billy McNanara, Natural Resource Commissioner

Concurrence By,

Date: _____

Regina Gasco-Bentley, Tribal Chairperson